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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 STRIKE 3 HOLDINGS, LLC,
12 Plaintiff,

13 vs.

14 JOHN DOE subscriber assigned IP address
15 98.182.155.96,
16 Defendant.

Case Number: 2:19-cv-01084-RFB-EJY

**PLAINTIFF'S SECOND
EX-PARTE APPLICATION FOR
EXTENSION OF TIME WITHIN WHICH
TO EFFECTUATE SERVICE
ON JOHN DOE DEFENDANT**

17
18 Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC ("Plaintiff"), makes
19 this second *ex-parte* application for entry of an order extending the time within which to
20 effectuate service on John Doe Defendant, and states:

21 1. This is a copyright infringement case against a John Doe Defendant known to
22 Plaintiff only by an IP address. Defendant's true identity is known by their Internet service
23 provider ("ISP").

24 2. On July 23, 2019, Plaintiff filed a Motion for Leave to Serve a Third Party
25 Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on
26 Defendant's ISP [ECF No. 4].

1 3. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was required to effectuate service
2 on the Defendant no later than September 18, 2019.

3 4. On September 18, 2019, Plaintiff filed its First Application for Extension of
4 Time Within Which to Effectuate Service on John Doe Defendant (“First Application for
5 Extension”). [ECF No. 7].

6 5. On September 19, 2019, the Court granted Plaintiff’s First Application for
7 Extension, extending the deadline to effect service of process on John Doe Defendant to
8 November 17, 2019. [ECF No. 8].

9 6. On October 2, 2019, Plaintiff filed a Notice of Erratum Regarding its First
10 Application for Extension. [ECF No. 9].

11 7. Unknown to Plaintiff at the time, on August 1, 2019, the Court granted Plaintiff’s
12 Motion for Leave to serve a third party subpoena on Defendant’s ISP to obtain the Defendant’s
13 identifying information. Upon learning of the entry of the Court’s Order, Plaintiff issued the
14 subpoena on or about October 7, 2019 and, in accordance with the time allowances provided to
15 both the ISP and the Defendant, expects to receive the ISP’s response on or about November 21,
16 2019.

17 8. Accordingly, Plaintiff respectfully requests that the time within which it has to
18 effect service of the summons and Complaint on Defendant be extended an additional sixty (60)
19 days from November 21, 2019 (the date Plaintiff expects to receive the ISP response), thus the
20 deadline to effectuate service be extended to January 20, 2020. This extension should allow
21 Plaintiff sufficient time to receive the ISP’s response, conduct a further investigation to assist in
22 determining whether the individual identified by the ISP is the appropriate defendant for this
23 action, amend the complaint and effect service on the appropriate defendant.

24 9. This application is made in good faith and not for the purpose of undue delay.

25 10. This is Plaintiff’s second request for an extension. None of the parties will be
26 prejudiced by the granting of this extension.

1 WHEREFORE, Plaintiff respectfully requests that the time within which it has to
2 effectuate service of the summons and Complaint on Defendant be extended until January 20,
3 2020. A proposed order is attached for the Court's convenience.

4 Dated this 15th day of November, 2019.

5 **CLARK HILL PLC**

6 By: /s/ Jeremy J. Thompson
7 Jeremy J. Thompson, Esq. (12503)

8 *Attorney for Plaintiff Strike 3 Holdings, LLC*

9 IT IS SO ORDERED.

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11 
12 UNITED STATES MAGISTRATE JUDGE

13 Dated: November 19, 2019